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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

KATHLEEN VENTIMIGLIA,
 individually, and as the Guardian Ad Litem
 for STEPHEN VENTIMILIA and KELLIE
 VENTIMILIA,
 Plaintiffs,
 v.
 UNITED STATES OF AMERICA, et al.,
 Defendants

No. 07-05481 RS

STIPULATION AND ~~PROPOSED~~
 ORDER CONTINUING DEADLINE FOR
 MEDIATION

On October 29, 2009, the court issued a scheduling order for this case which referred the case to private mediation “to be completed within one hundred and twenty (120) days, if possible.” The parties agreed on a mediator and scheduled a mediation for February 26, 2010.

All or many of the parties now believe that mediation may have a better chance of success after the parties disclose their expert reports. Because plaintiffs’ and defendants’ expert reports are due by April 2 and 30, 2010, respectively, the parties STIPULATE AND REQUEST that the deadline for mediation in this case be extended to May 28, 2010. The parties are in the process of rescheduling the mediation, probably for on or about May 19, 2010. The parties are not seeking any change to the balance of the schedule for this case, including deadlines for discovery, dispositive motions, or trial.

1 Respectfully submitted,
2 DATED: February 2, 2010 JOSEPH P. RUSSONIELLO
3 United States Attorney
4 /s/ Claire T. Cormier
5 _____
6 CLAIRE T. CORMIER¹
7 Assistant United States Attorney
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9 DATED: February 2, 2010 CORSIGLIA, McMAHON & ALLARD LLP
10 /s/ Bradley M. Corsiglia
11 _____
12 BRADLEY M. CORSIGLIA
13 Attorneys for Plaintiffs
14
15 DATED: February 1, 2010 EMERSON, COREY & SORENSEN
16 /s/ James D. Emerson
17 _____
18 JAMES D. EMERSON
19 Attorneys for Defendant,
20 Chamblin-Landes Construction, Inc.
21
22 DATED: February 2, 2010 SEVERSON & WERSON
23 /s/ Austin B. Kenney
24 _____
25 AUSTIN B. KENNEY
26 Attorneys for Defendant, WWD Corporation
27
28 DATED: February 2, 2010 VAN DE POEL, LEVY & ALLEN, LLP
/s/ Jeffrey W. Allen, for

BARBARA L. MILLER
Attorneys for Defendant,
Larry Spencer Construction

¹ I, Claire T. Cormier, hereby attest that I have on file all holographic signatures for any signatures indicated by a “conformed” signature (/s/) within this e-filed document.

~~PROPOSED~~ ORDER

Upon stipulation of the parties and good cause appearing, IT IS HEREBY ORDERED that the deadline for mediation of this action is extended to May 28, 2010.

DATED: February 3, 2010


RICHARD SEEBORG
UNITED STATES DISTRICT COURT JUDGE